

1 Hon. John C. Coughenour
2 Note for Consideration: December 6, 2013
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12 UNITED STATES DISTRICT COURT
13 FOR THE WESTERN DISTRICT OF WASHINGTON
14 AT SEATTLE
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16 WENDY JENDRYSIK,
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18 Plaintiff,
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20 v.
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22 RECEIVABLES PERFORMANCE
23 MANAGEMENT, LLC
24
25 Defendant.

Case No. 2:13-cv-00559
DECLARATION OF CHRISTOPHER
VITTOZ

16 I, Christopher Vittoz, under penalty of perjury under 28 U.S.C. §1746, declare as
17 follows:

18 1. I am an adult over the age of 18. I base this declaration on my personal
19 knowledge. I am competent to testify in this matter.

20 2. I have been employed by Receivables Performance Management since 2003
21 in the company's operations center. I am currently RPM's Chief Operating Officer.

22 3. As COO, my duties include employee selection, discipline and training as well
23 as designing collection floor operations in consultation with our Director of Risk

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25 DECLARATION OF CHRISTOPHER
VITTOZ IN SUPPORT OF RPM MOTION
FOR SUMMARY JUDGMENT- 1
[Case No. 2:13-cv-00559]

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1 Management, Mark Case, Howard George, RPM's founder and CEO and our information
2 technology department.

3 4. In my ten years of experience in the credit and collection industry, I have
4 observed two basic business models. In one, individual accounts are assigned to individual
5 collection agents who work with debtors to devise and implement payment plans. In the
6 other, collection agents work in a call center where they are not assigned particular accounts
7 to work. In our case, we have inbound agents and outbound agents. Our inbound agents
8 take calls as debtors dial in to our toll free number. The agents are seated at computers from
9 which they can access debtor account information.

10 5. Our outbound agents handle calls we initiate on our system. Our software
11 consists of two basic modules. One program is a data base of account information. All
12 information about a debt is contained in the data base, including location information,
13 account notes, payment history and the like. This is called the Pick system. The other system
14 we use is manufactured by Noble Systems Corporation. The Noble system controls the
15 telephone system for outgoing calls.

16 6. When we obtain an account, we program the location information, including
17 telephone numbers, into the Pick System. We simultaneously program the Noble system to
18 tell it when to call a particular number. For example, we will tell it to dial work phones
19 between 10am and 2pm and home phones after 2pm. If we learn that the individual is unable
20 to accept calls at work, we delete the instruction to dial during the 10am-2pm time frame.
21 The Noble system really works like a clock radio. We tell it what time to dial. We can change
22 the dialing algorithm, and we often do, as we learn information about the account.

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1 7. When the Noble system dials a number, it simply routes the number to the
2 outbound collector floor. Once the call is routed to the outbound floor, the system hunts for
3 an unoccupied outbound station. The call then drops into that collector's bin, he or she
4 answers the call and the Pick system displays the account information for that debtor.

5 8. If no outbound agents are available to take a routed call, the system disconnects
6 after 30 seconds. It will not dial that number again until the next scheduled time (which may
7 be anywhere from 2 hours later that day to several days later, staying within the law's 9 pm,
8 local time, cut off).

9 9. We have no software that contains a random or sequential number generator.
10 As such, our system does not have the capacity to randomly or sequentially dial numbers.
11 For each account, we first figure out the best times to call, then we program that schedule
12 into the system as it would make no sense for us to randomly or sequentially dial numbers
13 we manually input into the system.

14 EXECUTED under penalty of perjury at Lynnwood, WA this this 6th day of November
15 2013.



16 17 18 CHRISTOPHER VITTOZ
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25 DECLARATION OF CHRISTOPHER
VITTOZ IN SUPPORT OF RPM MOTION
FOR SUMMARY JUDGMENT- 3
[Case No. 2:13-cv-00559]

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